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8
9 IN THE UNITED STATES DISTRICT COURT

10 EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 OSCAR ARMANDO ORELLANA
15 GUEVARA,

16 Defendants.

CASE NO. 1:21-CR-00051-DAD-BAM

STIPULATION TO CONTINUE STATUS
CONFERENCE; ORDER

DATE: May 24, 2023

TIME: 1:00 p.m.

COURT: Hon. Barbara A. McAuliffe

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18 **STIPULATION**

19 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
20 through defendant's counsel of record, hereby stipulate as follows:

21 1. This case is set for status conference on May 24, 2023

22 2. By this stipulation, the government and defendant now move to set the matter for jury
trial on November 7, 2023, and to exclude time between May 24, 2023, and November 7, 2023, under
23 Local Code T4.

24 3. The parties further request that the matter be set for a trial confirmation hearing on
October 9, 2023.

25 4. The parties agree and stipulate, and request that the Court find the following:

26 a) The government has represented that the discovery associated with this case

1 includes reports, photographs, and audio files. All of this discovery has been either produced
2 directly to counsel and/or made available for inspection and copying.

3 b) Counsel for defendant desires additional time to further review discovery, discuss
4 potential resolution with his client and the government, and investigate and prepare for trial.

5 c) Counsel for defendant believes that failure to grant the above-requested
6 continuance would deny him/her the reasonable time necessary for effective preparation, taking
7 into account the exercise of due diligence.

8 d) The government does not object to the continuance.

9 e) Based on the above-stated findings, the ends of justice served by continuing the
10 case as requested outweigh the interest of the public and the defendant in a trial within the
11 original date prescribed by the Speedy Trial Act.

12 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
13 et seq., within which trial must commence, the time period of May 24, 2023 to November 7,
14 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
15 T4] because it results from a continuance granted by the Court at the parties' request on the basis
16 of the Court's finding that the ends of justice served by taking such action outweigh the best
17 interest of the public and the defendants in a speedy trial.

18 g) The parties also agree that this continuance is necessary for several reasons,
19 including but not limited to, the need to permit time for the parties to exchange supplemental
20 discovery, engage in plea negotiations, and for the defense to continue its investigation and trial
21 preparation, pursuant to 18 U.S.C. § 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv).

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5. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: May 12, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ STEPHANIE M. STOKMAN
STEPHANIE M. STOKMAN
Assistant United States Attorney

Dated: May 16, 2023

/s/ MICHAEL BERDINELLA
MICHAEL BERDINELLA
Counsel for Defendant
OSCAR ARMANDO
ORELLANA GUEVARA

ORDER

IT IS SO ORDERED that the status conference set for May 24, 2023, is vacated. A jury trial is set for **November 7, 2023, at 8:30 a.m. before District Judge Ana de Alba**. Estimated time of trial is **3 weeks**. A trial confirmation is set for **October 10, 2023, at 8:30 a.m. before District Judge Ana de Alba**. Time is excluded through trial pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: **May 16, 2023**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE